United Nations A/C.3/58/SR.44

General Assembly
Fifty-eighth session

Official Records

Distr.: General
17 November 2003
English
Original: French

Third Committee

Summary record of the 44th meeting
Held at Headquarters, New York, on Thursday, 13 November 2003, at 3 p.m.

Chairman : Mr. Belinga-Eboutou ..... (Cameroon)

Contents

Agenda item 117 : Human rights questions *(continued)*

(a) Implementation of human rights instruments *(continued)*

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms *(continued)*

(c) Human rights situations and reports of special rapporteurs and representatives *(continued)*

This record is subject to correction. Corrections should be sent under the signature of a member of the delegation concerned *within one week of the date of publication* to the Chief of the Official Records Editing Section, room DC2-750, 2 United Nations Plaza, and incorporated in a copy of the record.

Corrections will be issued after the end of the session, in a separate corrigendum for each Committee.

03-61141 (E)

The meeting was called to order at 3.25 p.m.

Agenda item 117: Human rights questions *(continued)*

(a) Implementation of human rights instruments *(continued)*

(b) Human rights questions, including alternative approaches for the effective enjoyment of human righs and fundamental freedoms *(continued)* (A/58/118, A/58/118/Corr.1, A/58/121, A/58/181, A/58/181/Add.1, A/58/185, A/58/185/Add.1, A/58/185/Add.2, A/58/186, A/58/212, A/58/255, A/58/257, A/58/261, A/58/266, A/58/268, A/58/275, A/58/276, A/58/276/Add.1, A/58/279, A/58/296, A/58/309, A/58/317, A/58/318, A/58/330, A/58/380, A/58/533 and A/C.3/58/9)

(c) Human rights situations and reports of special rapporteurs and representatives *(continued)* (A/58/219, A/58/448, A/58/127, A/58/427, A/58/379, A/58/334, A/58/218, A/58/338, A/58/534, A/58/325, A/58/393, A/58/421 and A/C.3/58/58/6)

1. **Ms. Sanchez** (Dominican Republic), speaking on agenda item 117 (a), announced that her country had regretfully withdrawn from the list of sponsors of draft resolution A/C.3/58/L.45.

2. **The Chairman** took note of that information.

Statements in the exercise of the right of reply

3. **Mr. Kitchen** (Zimbabwe), exercising his right of reply in connection with comments made by the United States and Canadian delegations concerning the human rights situation in Zimbabwe, said that respect of human rights was a matter of deep concern to his country. Zimbabwe was a party to a great number of international human rights instruments and had subscribed to many documents emanating from United Nations conferences on human rights issues. It was always ready to cooperate with those sincerely wishing to promote human rights, but it deplored and condemned the selective and politicized approach of certain self-appointed observers of human rights situations. Picking out particular countries for criticism did not serve the cause of human rights and raised doubts as to the motives of those from whom the criticisms emanated. Thus, when referring to the economic crisis in Zimbabwe – the existence of which was an established fact – the United States delegation had carefully avoided admitting that its country was in part responsible for the crisis owing to the positions it adopted in international agencies such as IMF and the World Bank and to unilateral measures such as the Zimbabwe Democracy and Economic Recovery Act. The United States' concern for the fate of the people of Zimbabwe was therefore purely hypocritical.

4. The representative of the United States had also, on the basis of information published in the Daily News, alleged the absence of the rule of law in Zimbabwe. That newspaper having been in an illegal situation for a period of nine months, the United States Government would be well advised to call it to order. In that connection, he stressed the fact that newspapers in his country, for their part, respected the law. The United States was not in a position to give lessons in human rights to others, being hardly an example of good conduct in the human rights area, as witness, in particular, its treatment of minorities and the executions of minors that were the sorry privilege of the United States. The prisoners detained at Guantanamo in violation of the Geneva Conventions and other international human rights instruments should at the very least be informed of the charges against them, but the self-proclaimed human rights observers kept completely silent on that point, either through complicity or because they thought that human rights did not apply in that particular case.

5. Lastly, the way in which the demonstration organized in New York earlier that year had been suppressed and the arrest of a large number of demonstrators illustrated the United States Government's refusal to hear its own citizens even when they were speaking in a very loud voice. The invasion of a sovereign country against the advice of the United Nations and of its own citizens spoke volumes about the true nature of the United States Government, despite its claims to be the guardian and defender of democracy and human rights.

6. Turning to the comments by Canada, he said that his Government's land reform programme, which was

beginning to bear fruit, was aimed at correcting an imbalance of which the country's black population, marginalized despite the fact that it formed the majority, was the victim. Canada's colonialist nostalgia was of no avail there, the more so as Canada, by its own admission, had its hands full with combating racism in its own territory. His delegation was therefore hardly surprised by Canada's remarks, and reaffirmed its willingness to cooperate with those wishing to contribute towards the success of the land reform programme.

7. It was regrettable that Canada had reiterated certain allegations - contradicted by the findings of competent international agencies - concerning the distribution of foodstuffs. In that connection, he recalled that on the occasion of a high-level meeting held at United Nations Headquarters on 15 September 2003 the Special Representative of the Secretary-General responsible for assessing humanitarian needs in southern Africa, who was also the Executive Director of the World Food Programme (WFP), as well as the Special Representative of the Secretary-General for the coordination of humanitarian aid programmes in southern Africa, had confirmed that the food distribution system was functioning in a satisfactory manner. A memorandum of agreement had then been signed between WFP and the Government of Zimbabwe. He therefore considered the Canadian delegation's allegations to be ill-intentioned rather than mistaken.

8. Human rights were the concern of all nations and could not be implemented selectively or exploited for political ends. His delegation hoped that the United States and Canada would look to the human rights situation in their own territories before setting themselves up so ostentatiously as an example to others. His country, convinced of the effectiveness of the Commission on Human Rights, would jealously defend the independence of that body, upon which depended the interests of all members of the Third Committee desirous of ensuring universal respect of human rights.

9. **Ms. Al Hajali** (Syrian Arab Republic) recalled that for some years past her delegation had regularly expressed the wish that the human rights debate in the Third Committee should not be used to criticise specific countries. Considerable divergences existed between countries in terms of their analysis, understanding and perception of human rights. The human rights issue, which certainly deserved consideration, had been politicised to an unacceptable extent, certain countries, which she preferred not to name, making undue use of it in order to express their disapproval of other countries. It also had to be noted that certain countries claiming the status of champions or defenders of human rights were themselves committing flagrant and unacceptable human rights violations in many parts of the world.

10. Referring to the statement made by the United States delegation on 10 November 2003, she said that the United States could never be the champion of human rights which it was itself violating. Not wishing to open a debate that would distract the Committee from its main task, she would refrain from citing details of such violations, which were causing grave concern to human rights agencies and to the media in many countries the world over.

11. The allegations brought against Syria by the United States delegation were entirely unfounded. If the United States representative had meant to allude to the case of the citizen having double nationality (Syrian and Canadian) who had been arrested by United States authorities in a New York airport, her delegation wished to make it clear that the individual concerned, sent back to Syria while on his way to Canada, his country of residence, had not received any ill-treatment during his stay in Damascus, where he had been visited by a representative of the Canadian embassy. He had eventually been handed over to the Canadian authorities and had joined his family in Canada, from where he had thanked the Syrian authorities for their part in facilitating his return.

12. **Mr. Giraldo** (Colombia) forcefully denied Canada's allegations of collusion between illegal self-defence groups and the Colombian Government. His Government had been democratically elected and enjoyed the support of 70% of the population. The rule of law, guaranteed by the democratic system in force, prevailed in Colombia. For several years past, the stability of the democratic system had been threatened by illegal armed groups on the extreme right and the extreme left, all of which the Government was fighting in an identical manner as part of its unremitting struggle against terrorism financed by the drugs trade, which constituted a world-scale problem.

13. "Fiscali General de la Nacion" investigated all accusations brought to its attention in complete

transparency and respect of the law. While it might have happened that members of the armed forces, acting on their own initiative without complying with any policy of the State, had entertained links with illegal armed groups, such incidents had been investigated and the individuals concerned had been punished. Other investigations were now in progress and might well end in punitive action being taken, which proved that the State, the Government and the army had no institutional links with those illegal groups; quite on the contrary, they were combating them and proceeding against any members of the armed forces who might act outside the framework of the law in disregard of the guidelines clearly laid down by the Government.

14. As for accusations of forced disappearances, arbitrary detention and torture, a new inter-sectoral committee had been set up by his Government as part of the struggle against terrorism and for the promotion of human rights in order to investigate such accusations and to establish the true facts, the inquiry often revealing that the allegations were unfounded.

15. **Mr. Andrabi** (Pakistan), replying to the statement made by the Canadian delegation on 10 November 2003, challenged Canada's right to judge other countries. The Committee was entitled to doubt the truth of the accusations Canada had brought against no less than 34 States. He wondered whether the remaining 157 States, including Canada, were really exempt from all human rights violations. Or could it be that Canada, as well as being inclined to lecture others on matters of morality, was perhaps also tempted to apply double standards?

16. His delegation was disappointed but not surprised to see that Canada had made no mention of the massive human rights violations perpetrated with complete impunity by India, be it the killing of more than 2 000 Muslims whose murderers remained unpunished, the tens of Kashmiris killed every day by Indian security forces acting with full impunity, or India's caste system, a flagrant manifestation of institutionalized racism.

17. Referring to paragraphs 331, 333, 335 and 337 of the latest report of the Committee on the Elimination of Racial Discrimination (A/57/18), he recalled that Canada was in breach of the property rights, the freedom and security, the right to protection from discrimination and the right to education of Aboriginals and persons of Asian and African descent. As for the alleged reign of impunity in Pakistan, he referred to an Amnesty International document dated 4 September 2003 concerning widespread instances of impunity in Canada.

18. Replying to references made to "crimes of honour" committed in Pakistan, he said that under his country's law such cases were treated as wilful manslaughter. Canada, where murders by the police were committed with impunity, would do well to put its own house in order before interfering in the affairs of others.

19. **Mr. Ivanou** (Belarus), describing the United States and Canadian delegations' remarks about his country as gratuitous and untrue, said that he was at a loss to understand where the information on which they were based had come from. Belarus was a sovereign State Member of the United Nations, party to the principal international human rights instruments and other multilateral treaties. His delegation reserved the right to do everything it could, in particular by proceeding on the basis of statements by other delegations under paragraphs (b) and (c) of agenda item 117, to re-establish the truth about his country before the Third Committee.

20. **Mr. Menan** (Togo), replying to the statement made by the representative of Canada under agenda item 117 (b) on 10 November 2003, expressed indignation at the unfounded and discriminatory allegations once again formulated by Canada, which accused Togo of having carried out arbitrary arrests and detentions of opponents and journalists, in particular during the recent presidential elections. The statement reflected a marked tendency on the part of certain Governments to use human rights questions for sordid political ends, and were reminiscent of statements made before the Security Council in 2000 by the former permanent representative of Canada to the United Nations.

21. In Togo, the journalistic profession was governed by the Communications and Press Code. There were plenty of daily newspapers expressing bold opinions, which the representative of Canada was welcome to consult. Recent amendments to the Code had given rise to criticism, although their object had not been to restrict the freedom of the press but to avoid undesirable incidents and to stop the press from inciting to violence or, as in other African countries,

from becoming an instrument of defamation, insult, outrage and conspiracy capable of threatening public order, national unity and cohesion and the dignity of citizens. No Government, the Canadian Government least of all, could tolerate such excesses. Invoking the report by "Reporters sans frontières" on freedom of the press in Canada, he expressed doubt as to the soundness of Canada's claim to give lessons to other countries.

22. Opponents of the Government, who were perfectly free to live and travel within Togo, had been able to campaign freely during the recent presidential elections. Referring to his Government's efforts in the field of human rights, he remarked that people who refused to see were worse than blind and those who refused to listen, worse than deaf. A State should put its own house in order before presuming to give lessons to others, especially those smaller than itself.

23. The lot of Canada's indigenous populations – Inuit, Nisga'a or the Aboriginal fisher folk of New Brunswick - was particularly deplorable. The fact that a part of Canada's population was marginalized and dumped in reservations hardly constituted an example of protection and promotion of human rights. Energetic steps should be taken to ensure that fundamental freedoms were recognized and granted, in particular, to Canadian Amerindians, Inuit and persons of mixed descent.

24. **Ms. Otiti** (Uganda) challenged the allegation made by the Canadian delegation under agenda item 117 (b) on 10 November 2003 that the Ugandan Government's military intervention in the north of the country threatened the lives of victims of kidnapping and displaced persons. The Canadian delegation should remember that the "Resistance Army of the Lord" had abducted, mutilated and killed hundreds of children in the region and that the Ugandan Government had appealed to the international community and the United Nations for assistance in freeing the kidnapped children and enabling them to enjoy their fundamental rights. Her Government was not going to abandon its people to human rights abuses. Nor would it allow Ugandans to become the target of vile attacks simply because a delegation saw fit to make unnecessary declarations before the Committee without knowing anything about the situation on the ground. If the Canadian Government wished to help the children in the north of Uganda, its efforts would be welcome. But if it had no constructive assistance to propose, it should refrain from boring the Committee with a mass of useless and inaccurate detail.

The meeting rose at 3.55 p.m.